



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/956,314 10/05/92 FENNELI

0611/0414

MOTOROLA, INCORPORATED
PATENT DEPARTMENT
1500 NH 22 AVENUE
BOYNTON BEACH, FL 33426-0292

EXAMINER

ART UNIT	PAPER NUMBER
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6

DATE MAILED:

04/14/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☒ Responsive to communication filed on 1/28/94 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s) — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-848. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-16 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-16 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-848).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

1. Before discussing applicant's claims, comments will be made regarding the remarks made by the applicant. The applicant on page 2 of the Amendment states that the Examiner "alleges" that DeLuca disclosed a "selective call receiver (10) --- to modify it". Allege means to assert positively and especially to assert without proof. It is common practice in the Patent Office to provide a copy of the patent, in this case, patent 5,258,739 by DeLuca as proof. Examiner fails to understand why applicant states the Examiner alleges.

Regarding applicant's remarks on page 3, lines 27-30 where it states that Learn teaches the display is not a keypad because it is not user manually manipulated. The applicant does not claim a keypad that is user manually manipulated. The applicant claims a display of a keypad arrangement that is coupled to buttons (52, 54, 56, 58, 60, 62) for interacting with the keypad arrangement. Learn does the same thing, he displays a keypad arrangement (10) that is coupled to buttons (12a, 12b, 12c, 12d, 12e, 12f) for interacting with the keypad arrangement.

On page 3, lines 8-13, applicant admits that DeLuca can interact with a message and modify it.

On page 3, lines 14-22, applicant admits that Learn can manipulate the matrix (keypad) using four switches (buttons).

Combining those operations is the essence of applicant's claim 1.

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Upon study of the applicant's remarks the examiner does not see any reasoning or clarifying remarks or narrowing of claims that would cause the withdrawal of any of the rejections made in the Office action dated 11/19/93.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-16 are rejected under 35 U.S.C. § 103 as being unpatentable over DeLuca et al. in view of Learn and further in view of Kamo and common knowledge in the art.

DeLuca et al., Learn, Kamo, and common knowledge in the art are relied on for the forgoing reasons and as applied in the Office action dated 11/19/93 which is incorporated herein.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).


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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication should be directed to Edward Merz at telephone number (703) 305-4869.


E. Merz:lsd
April 12, 1994


DONALD J. YUSKO
SUPERVISORY PATENT EXAMINER
ART UNIT 264